

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF  
STEPHEN P. WALLACE

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G.O. 04-15

FILED

DEC 21 2004

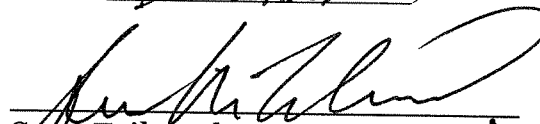
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

GENERAL ORDER

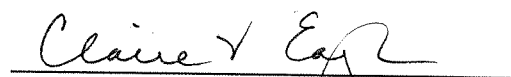
This matter comes before the Court pursuant to a District Court Order filed June 17, 2004 in Wallace v. Woolman, case number 03-CV-375-H (J), (hereinafter referred to as the Woolman Order) attached hereto and incorporated by reference. The Woolman Order directs Stephen P. Wallace to seek permission from the Court to file pleadings of any kind. In order to obtain permission, Mr. Wallace must meet the requirements set forth in the Woolman Order.

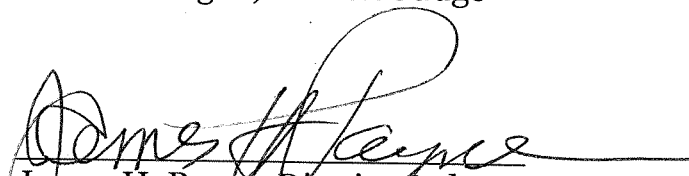
Accordingly, the Court Clerk is directed to set up an ongoing miscellaneous case upon the next submission by Mr. Wallace for the purpose of accomplishing the procedures set forth in the Woolman Order.

IT IS SO ORDERED this 20<sup>TH</sup> day of DECEMBER, 2004.

  
Sven Erik Holmes, Chief Judge

  
Terence C. Kern, District Judge

  
Claire V. Eagan, District Judge

  
James H. Payne, District Judge

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STEPHEN WALLACE,

Plaintiff,

v.

JOHN WOOLMAN,

Defendant.

Case No. 03-CV-375-H (J) ✓

**FILED**

JUN 17 2004

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**ORDER**

This matter comes before the Court pursuant to the Report and Recommendation of United States Magistrate Judge Sam A. Joyner, filed June 3, 2004 (Docket No. 47), wherein he recommends that Defendant John R. Woolman's "Motion for Attorney Fees and Costs" (Docket No. 23), as amended by "Supplement to Motion to Assess Attorney Fees and Costs Pursuant to 42 U.S.C. § 1988" (Docket No. 44), (collectively "Fee Motion") and "Motion for Sanctions" (Docket No. 24) against the Plaintiff Stephen P. Wallace be granted. Plaintiff objects to the Report and Recommendation.

Rule 72(b) of the Federal Rules of Civil Procedure provides in pertinent part that if specific written objections are timely filed,

[t]he district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

Fed. R. Civ. P. 72(b).

Based upon a careful review of the record, the Court hereby adopts and affirms the Report and Recommendation. Accordingly, Defendant's Fee Motion (Dockets No. 23 and 44) and Motion for Sanctions (Docket No. 24) against the Plaintiff are granted. An attorney fee shall be

49

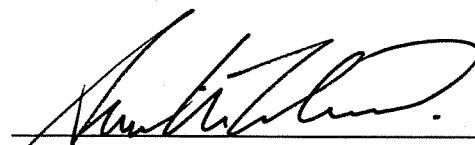
assessed against Wallace in the reasonable and necessary sum of \$11,014.00. The Court further adopts the sanctions recommended by Judge Joyner to prevent the further filing of frivolous or malicious actions by Wallace. Thus, Wallace will henceforth be required to file a Petition with the Clerk of this Court seeking permission to file a *pro se* pleading of any kind. The Petition shall include the following information:

1. Wallace's statement under penalty of perjury pursuant to 28 U.S.C. § 1947, in proper form, which includes (a) the legal basis for pleading; (b) the specific factual basis for the pleading; (c) a statement that the issues raised in the proposed pleading have never been finally disposed of by any federal or state court and are not barred by the doctrines of *res judicata* or collateral estoppel; (d) the identity and nature of assistance by any third person; (e) a statement that the factual allegations and/or legal arguments raised by the proposed pleading are (i) not frivolous or made in bad faith, (ii) warranted by existing law, (iii) not made for an improper purpose, to cause delay or needless increase in costs, (iv) not made to avoid an order of any court, and (v) a list of all witnesses and attachment of all documents which support the factual allegations of the proposed pleading.

2. These documents shall be submitted to the clerk of court, who shall refer them to a Magistrate Judge for report and recommendation to determine whether the complaint is lacking in merit, duplicative, or frivolous. The report and recommendation shall be submitted to the Chief Judge, or another judge designated by the Chief Judge, for further review. Without the Chief Judge's, or his designee's, approval, the matter will be dismissed. If the Chief Judge, or his designee, approves the filing, an order shall be entered that the complaint shall proceed in accordance with the Federal Rules of Civil Procedure and the Local Rules of The United States District Court for the Northern District of Oklahoma.

IT IS SO ORDERED.

This 16<sup>TH</sup> day of June, 2004

A handwritten signature in black ink, appearing to read 'Sven Erik Holmes', written over a horizontal line.

Sven Erik Holmes, Chief Judge  
United States District Court